

Exhibit U



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Transcript of Kazuo Tsuburaya

Date: January 17, 2017

Case: UM Corporation -v- Tsuburaya Productions Co. Ltd.

Planet Depos

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WORLDWIDE COURT REPORTING | INTERPRETATION | TRIAL SERVICES

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 WESTERN DIVISION

4 - - - - - x
5 UM CORPORATION, a Japanese :
6 corporation, :Case No.
7 :2:15-cv-03764
8 Plaintiff, : (AJWx)
9 :
10 v. :
11 :
12 TSUBURAYA PRODUCTIONS CO. LTD., a :
13 Japanese corporation, :
14 :
15 Defendant. :

16 - - - - - x

17 (Caption continues - Next page)

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2

1 TSUBURAYA PRODUCTIONS CO. LTD., a :
Japanese corporation,

2 :
3 Counterclaimant,

4 v. :

5 UM CORPORATION, a Japanese :
corporation; ULTRAMAN USA INC., a :
California corporation; SOMPOTE :
6 SAENGDUENCHAI, a Thai individual; :
7 GOLDEN MEDIA GROUP INC., a California :
corporation; TIGA ENTERTAINMENT :
8 COMPANY LTD., a Hong Kong :
corporation; and DOES 1-10,

9 Counterdefendants. :
10 - - - - - x

11
12
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15

16 Volume 1
Videotaped Deposition of

17 KAZUO TSUBURAYA

18 Tokyo, Japan
19 Tuesday, January 17, 2017
9:04 a.m.
20
21
22

23 Job No.: 129367

24 Pages: 1 - 85

25 Reported By: M. Allred, RPR, CSR(A)

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1 Videotaped Deposition of KAZUO TSUBURAYA, held at
2 the offices of:

3
4
5 U.S. EMBASSY IN JAPAN - TOKYO

6 1-10-5 Akasaka

7 Minato-ku, Tokyo 107-8420

8 Phone: 03-3224-5000
9
10
11

12 Pursuant to notice, before M. Allred, RPR, CSR(A),
13 Notary Public in and for the District of Columbia.
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A P P E A R A N C E S

ON BEHALF OF UM CORP., TIGA, AND GMG:

MICHAEL CHIBIB, ESQUIRE (Texas)

JEFFREY D. WEXLER, ESQUIRE (Los Angeles)

TAISUKE KIMOTO, ESQUIRE (Los Angeles)

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Phone: +1-512-580-9600

ON BEHALF OF TSUBURAYA:

RYAN GOLDSTEIN, ESQUIRE (Tokyo)

DANIEL POSNER, ESQUIRE (Los Angeles)

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Conducted on January 17, 2017

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A P P E A R A N C E S C O N T I N U E D

ON BEHALF OF TSUBURAYA:

MASANOBU HARA, ESQUIRE

TMI ASSOCIATES

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Phone: +81-03-6438-5511

ALSO PRESENT:

THANISA TIRANASAWADI, For UM Corp.

PERASIT SAENGDUENCHAI, For UM Corp.

AKIRA MORI, For Tsuburaya

TREVOR PRICE, CLVS, Videographer

MICHAEL SEKINE, Interpreter

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P R O C E E D I N G S

THE VIDEOGRAPHER: Here begins Media Unit Number 1 in the individual videotaped deposition of Kazuo Tsuburaya in the matter of UM Corporation versus Tsuburaya Production Company Inc. in the US District Court, Central District of California, Western Division, Case Number 2:15-cv-03764-AB.

Today's date is January 17, 2017. Time on the video monitor is 9:05.

The videographer today is Trevor Price, and the reporter is Mary Allred both on behalf of Planet Depos.

This video deposition is taking place at the United States Embassy, Tokyo, Japan.

Would counsel and interpreters please voice identify themselves and state whom they represent.

MR. CHIBIB: Mike Chibib of Pillsbury Winthrop Shaw Pittman on behalf of UM Corp., Golden Media Group, and TIGA.

MR. WEXLER: Jeffrey D. Wexler, also of Pillsbury, for the same parties.

MR. KIMOTO: Taisuke Kimoto of Pillsbury Winthrop Shaw Pittman for the same parties.

MR. GOLDSTEIN: Ryan Goldstein of Quinn Emanuel on behalf of Tsuburaya and the witness. And

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1 with me is Dan Posner of Quinn Emanuel, Hara-sensei from 09:06:23
2 TMI, and Akira Mori from Tsuburaya. 09:06:26

3 THE INTERPRETER: Michael Sekine, lead 09:06:29
4 interpreter. 09:06:32

5 THE VIDEOGRAPHER: Okay. Stand by. 09:06:33

6 MR. CHIBIB: Do you mind one moment? 09:06:36

7 THE VIDEOGRAPHER: Of course. 09:06:36

8 MR. CHIBIB: We anticipate corporate 09:06:37
9 representatives of UM Corporation to show up, Thanisa 09:06:40
10 Tiranasawadi and Perasit Saengduenchai. 09:06:48

11 THE VIDEOGRAPHER: Thank you. Stand by. 09:06:52

12 (T. PRICE was previously duly sworn by the 09:06:54
13 Consular Officer to record the video deposition.)

14 (M. ALLRED, RPR, CSR(A), having been
15 previously duly sworn by the Consular Officer to
16 stenographically report the videotaped deposition,
17 transcribed the following:)

18 (MICHAEL SEKINE, Interpreter herein, having
19 been previously duly sworn by the Consular Officer to
20 interpret the proceedings herein from English into
21 Japanese and from Japanese into English to the best of
22 his ability, interpreted the following:)

23 (Unless indicated otherwise, all questions and
24 answers are through the Interpreter.)

25 KAZUO TSUBURAYA,

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1 having been first duly sworn by the Consular Officer,
2 testified through the Interpreter as follows:

09:07:54

E X A M I N A T I O N

09:07:54

4 BY MR. CHIBIB:

09:07:54

5 Q Good morning. Would you please state your
6 name for the record?

09:15:25

09:15:28

7 A Kazuo Tsuburaya.

09:15:29

8 Q May I call you Mr. Kazuo today?

09:15:33

9 A Yes.

09:15:38

10 Q Thank you. Have you ever been deposed before?

09:15:38

11 A No.

09:15:44

12 Q Just so you know, I'm going to ask you a
13 number of questions today and would like to get your
14 truthful answers. Your --

09:15:44

09:15:49

09:15:53

15 MR. CHIBIB: Go ahead, Mike. I'm sorry.

09:15:58

16 Q And your lawyer, Mr. Goldstein, may make some
17 objections, but I will still ask you to answer the
18 question unless he tells you otherwise. Okay?

09:16:05

09:16:09

09:16:13

19 Also because this deposition is being
20 transcribed by the court reporter, I'll need you to
21 answer verbally with a yes or no instead of nodding your
22 head or shaking your head. Okay?

09:16:26

09:16:30

09:16:32

09:16:37

23 A Yes.

09:16:46

24 Q And then if you don't understand one of my
25 questions, please feel free to ask me to clarify it, and

09:16:46

09:16:50

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1	forever?	11:26:26
2	MR. GOLDSTEIN: Objection. Vague and	11:26:36
3	ambiguous. Lacks foundation.	11:26:37
4	A What I think is if there was a defined period,	11:26:51
5	that definition would be defined.	11:26:55
6	THE INTERPRETER: Excuse me.	11:26:58
7	A The period would be defined.	11:26:59
8	Q Okay. Let me ask you to look, please, at	11:27:01
9	another document in your stack, Exhibit 144.	11:27:13
10	(Previously marked OOKA Deposition Exhibit 144	11:27:13
11	marked for identification and attached to the	11:27:13
12	transcript.)	11:27:13
13	Q Have you seen Exhibit 144 before?	11:27:37
14	A Yes.	11:27:40
15	Q This is a July 23rd, 1996, letter from you; is	11:27:40
16	that right?	11:27:46
17	A Yes.	11:27:51
18	Q And you signed Exhibit 144?	11:27:51
19	A Yes.	11:27:56
20	Q And then if you turn to the second page of the	11:27:57
21	exhibit, the Exhibit 144, the letter was notarized?	11:28:02
22	A Yes.	11:28:09
23	Q By the Tokyo Legal Affairs Bureau?	11:28:09
24	A Yes.	11:28:16
25	Q And then if you turn the next page, it was	11:28:19

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1	notarized again by the Thai embassy?	11:28:23
2	A You mean this?	11:28:37
3	Q Yeah.	11:28:38
4	A Yes.	11:28:39
5	Q Okay. And this document is also signed by	11:28:40
6	Mr. Sompote Saengduenchai; right?	11:28:45
7	A Yes.	11:28:52
8	Q You signed Exhibit 144 as the president and	11:28:54
9	CEO of Tsuburaya Productions?	11:28:57
10	A Yes.	11:29:07
11	Q You were authorized to sign and send	11:29:07
12	Exhibit 144?	11:29:12
13	A Yes, I did.	11:29:19
14	Q You didn't need approval of anyone other than	11:29:22
15	yourself to send Exhibit 144; right?	11:29:25
16	A I think I consulted everyone.	11:29:39
17	Q Okay. So you had all the necessary approval	11:29:41
18	you needed; right?	11:29:43
19	A I talked to Ugawa-san.	11:29:47
20	Q Ugawa-san was your subordinate; right?	11:29:51
21	A Yes.	11:29:56
22	Q You didn't need approval from the board of	11:29:56
23	directors to send Exhibit 144?	11:29:59
24	A But I believe I discussed this in the board of	11:30:03
25	directors meeting, but I don't remember.	11:30:14

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1 Q I'm just trying to find out if you lacked any 11:30:15
2 approval to send Exhibit 144. Do you know of any person 11:30:21
3 or group that did not approve of you sending 11:30:26
4 Exhibit 144? 11:30:31
5 A No. I don't think -- I think not. 11:30:56
6 Q This Exhibit 144 was written in English; 11:31:03
7 correct? 11:31:09
8 A It's written in English. 11:31:12
9 Q But you had a Japanese translation of 11:31:14
10 Exhibit 144 to read before you signed it; correct? 11:31:19
11 A Yes. 11:31:29
12 Q And that was prepared by Mr. Ugawa? 11:31:29
13 A Yes. 11:31:34
14 Q Would you mind looking at -- leave that out, 11:31:37
15 but if you could grab Exhibit 145 out of the stack, 11:31:43
16 please. 11:31:48
17 (Previously marked OOKA Deposition Exhibit 145 11:31:48
18 marked for identification and attached to the 11:31:48
19 transcript.) 11:31:48
20 MR. CHIBIB: It's a photo, Ryan. 11:31:59
21 MR. GOLDSTEIN: Okay. 11:31:59
22 Q Do you recognize the photos in Exhibit 145? 11:32:07
23 A I'm seeing the photos themselves for the first 11:32:17
24 time. 11:32:22
25 Q Okay. Do -- is this a photo -- there are two 11:32:23

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1 betrayed. I felt that both parties were going to work 12:38:41
2 together and Sompote -- Mr. Sompote's side would -- 12:38:47

3 THE INTERPRETER: Excuse me. 12:38:54

4 A I thought that we were going to work together, 12:38:55
5 and also Mr. Sompote, I believe, had a lot of respect 12:38:57
6 for Eiji Tsuburaya. And my understanding was that he 12:39:01
7 would handle business in five countries including 12:39:07
8 Thailand. But after the letter was signed, he turned 12:39:12
9 his back and said that -- that is not, indeed, the case. 12:39:16
10 And I felt betrayed. 12:39:24

11 (K. TSUBURAYA Deposition Exhibit 216 marked 12:39:45
12 for identification and attached to the transcript.) 12:39:46

13 Q I've handed you Exhibit 216, Bates 12:39:46

14 number UMC0019857. This document is dated 12:40:00

15 November 22nd, 1996, Exhibit 216. Do you see that? 12:40:10

16 A Yes. 12:40:21

17 Q And it's from a Yukio Hayashi. Do you see 12:40:21
18 that? 12:40:29

19 A Yes. 12:40:33

20 Q Was Mr. Hayashi TPC's lawyer? 12:40:33

21 A I don't remember. I forgot. 12:40:42

22 Q Okay. You don't remember if Yukio Hayashi was 12:40:45
23 TPC's lawyer in November of 1996? 12:40:50

24 A I believe it might have been Mr. Mataichi. 12:41:06

25 Q Okay. What about the fax cover sheet letter 12:41:11

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1 that says Yukio Hayashi and Associates? Was that law 12:41:14
2 firm representing TPC in November of 1996? 12:41:20
3 A I can't remember clearly. 12:41:39
4 Q And this fax is sent to a law firm called 12:41:47
5 Haldanes, H-A-L-D-A-N-E-S. Do you see that? 12:41:53
6 A Yes. 12:42:00
7 Q Do you understand Haldanes to have represented 12:42:06
8 Mr. Sompote's company in November of 1996? 12:42:09
9 A No. I don't remember. 12:42:24
10 Q Okay. I just want to read one sentence. 12:42:25
11 Obviously you don't know this document, but it says: 12:42:29
12 "Our client is not conceding the validity or 12:42:32
13 enforceability of the license agreement." 12:42:35
14 THE INTERPRETER: You don't have the Japanese 12:42:41
15 version? 12:42:42
16 MR. CHIBIB: I do not. Just the highlighted 12:42:43
17 sentence there. 12:42:46
18 Q Do you believe that TPC informed Sompote 12:43:04
19 around November 22nd of 1996 that TPC is not conceding 12:43:11
20 the validity or enforceability of Exhibit 4A? 12:43:17
21 A I don't remember. 12:43:46
22 Q Okay. All right. Let me ask you a little bit 12:43:49
23 different of a question. Do you recall the first time 12:44:01
24 that TPC told Sompote that they thought the signature, 12:44:05
25 the handwritten signature on Exhibit 4A, was a forgery? 12:44:13

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Conducted on January 17, 2017

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1	A	I remember.	12:44:44
2	Q	When?	12:44:54
3	A	I don't remember when. I forget.	12:44:58
4	Q	Okay. Let me ask this to be marked, please.	12:45:01
5		(K. TSUBURAYA Deposition Exhibit 217 marked	12:45:09
6		for identification and attached to the transcript.)	12:45:09
7		MR. CHIBIB: I'd like to read a portion of	12:45:38
8		Exhibit 217, which bears the Bates number UMC0022508,	12:45:39
9		and then I'll ask the translator to translate.	12:45:48
10		The bottom paragraph states: "It is, however,	12:45:53
11		the second allegation that Mr. Tsuburaya did not sign	12:45:56
12		the 1976 agreement, which is the most astonishing. We	12:46:00
13		do not know who the alleged expert is; however, we would	12:46:03
14		like to see the basis on which he comes a conclusion	12:46:07
15		that in effect Mr. Tsuburaya's signature is a forgery."	12:46:10
16		It's the first sentence in the bottom	12:46:24
17		paragraph.	12:46:27
18		MR. GOLDSTEIN: The first two sentences.	12:46:27
19		MR. CHIBIB: Yeah. Sorry.	12:46:29
20		MR. GOLDSTEIN: There's no question right now.	12:47:33
21		MR. CHIBIB: There's no question.	12:47:35
22	Q	Do you see in the first paragraph that this	12:47:36
23		letter says that they received a copy of a letter from	12:47:39
24		Tsuburaya Productions dated April 10, 1997? Do you see	12:47:45
25		that?	12:47:50

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Transcript of Kazuo Tsuburaya

Conducted on January 17, 2017

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1 A If that's what it says, I confirm. 12:48:11

2 Q Okay. And then also in the bottom paragraph, 12:48:18

3 the letter goes on to say: "Presumably, he is also 12:48:23

4 conveniently prepared to say that the Tsuburaya chop is 12:48:28

5 also forged and, indeed, that the entire document was 12:48:32

6 concocted in some way. The fact that your client makes 12:48:35

7 this allegation now after year of discussions between 12:48:42

8 the parties in which it has never challenged the 12:48:45

9 document is highly suspicious to say the least." 12:48:47

10 MR. CHIBIB: Would you please translate that? 12:48:52

11 A What do you mean by "Tsuburaya chop"? 12:50:01

12 MR. KIMOTO: Chop. Hanko. 12:50:06

13 MR. CHIBIB: No. No. Just read the document. 12:50:06

14 MR. GOLDSTEIN: No, you can't. You can't 12:50:06

15 translate. 12:50:10

16 Q Okay. There's no question. Do you understand 12:51:25

17 what the interpreter just read? 12:51:26

18 A I think I understand most of it, but I may ask 12:51:33

19 questions later about it. 12:51:43

20 Q Of course. Of course. Do you know if TPC 12:51:44

21 told Sompote that Exhibit 4A was a forgery before 12:51:48

22 April 10, 1997? 12:51:54

23 A I know. 12:52:25

24 Q Did they? 12:52:33

25 A Can I have that translated again? 12:52:40

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Conducted on January 17, 2017

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1	Q	Yes.	12:52:48
2	THE INTERPRETER:	May I?	12:52:48
3	MR. CHIBIB:	Yes, please. Yeah.	12:52:51
4	MR. GOLDSTEIN:	So I'm just going to ask, just	12:52:52
5	listen to the question very carefully. Each question is		12:52:54
6	its own part of testimony. Just have the question read		12:52:57
7	back. Without looking, just listen to the question.		12:53:01
8	A	I don't know.	12:53:22
9	Q	Do you know why TPC waited approximately ten	12:53:31
10	months after the Exhibit 144 to inform Sompote that they		12:53:36
11	thought Exhibit 4A was a forgery?		12:53:44
12	MR. GOLDSTEIN:	Objection. Assumes facts not	12:53:47
13	in evidence.		12:53:48
14	A	As I said before, the understanding was we	12:55:03
15	were going to produce --		12:55:13
16	THE INTERPRETER:	Excuse me.	12:55:15
17	A	-- create this -- the letter, and they would	12:55:17
18	do business with us in the five countries including		12:55:22
19	Thailand. But, however, after the signature was placed,		12:55:26
20	they turned back on us, said -- and said that's not the		12:55:31
21	case, and Exhibit 4A is valid, and they have the rights.		12:55:37
22	And I felt betrayed.		12:55:41
23	MR. CHIBIB:	Why don't we break for lunch.	12:55:42
24	It's 1.		12:55:45
25	THE VIDEOGRAPHER:	Stand by. This is the end	12:55:46

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Conducted on January 17, 2017

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1 of Media Unit Number 2. We are off the record. The 12:55:47
2 time is 12:55. 12:55:50

3 (The videotaped deposition of KAZUO TSUBURAYA
4 was adjourned at 12:55 p.m.)
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No. 129367

Re: Deposition of **Kazuo Tsuburaya**

Date: 1/17/2017

Case: UM Corporation -v- Tsuburaya Productions Co. Ltd.

Return to: transcripts@planetdepos.com

ACKNOWLEDGMENT OF DEPONENT

I, Kazuo Tsuburaya, do hereby acknowledge
that I have read and examined the foregoing
testimony, and the same is a true, correct and
complete transcription of the testimony given by me
and any corrections appear on the attached Errata
sheet signed by me.

February 27, 2017

(Date)

Kazuo Tsuburaya

(Signature)

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1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

2
3 I, M. Allred, RPR, CSR(A), the officer before whom
4 the foregoing deposition was taken, do hereby certify
5 that the aforementioned witness was first duly sworn by
6 the Consular Officer to testify the whole truth; that
7 the foregoing transcript is a true and correct record of
8 the testimony given; that said testimony was taken by me
9 stenographically and thereafter reduced to typewriting
10 under my direction; that reading and signing was
11 requested; and that I am neither counsel for, related
12 to, nor employed by any of the parties to this case and
13 have no interest, financial or otherwise, in its
14 outcome.

15
16 IN WITNESS WHEREOF, I have hereunto set my hand this
17 27th day of January, 2017.

18
19
20
21 

22
23 _____
24 M. Allred, RPR, CSR(A)

25 My commission expires: 01/31/2020

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